

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

GERICA BRIGHT
432 W. Washington Street
Springfield, OH 45506-1532

Plaintiff,

V.

CREDIT PROTECTION ASSOCIATION
13355 Noel Road, 21st Floor
Dallas, TX 75240

Defendant.

)
) Case No: 3:14-cv-444
)
) JURY DEMAND REQUESTED
)
) **CIVIL COMPLAINT**

COMPLAINT

PLAINTIFF, Gerica Bright (Plaintiff), by her attorneys, KAHN AND ASSOCIATES, L.L.C., alleges the following against DEFENDANT, Credit Protection Association (Defendant):

INTRODUCTION

1. Plaintiff's Complaint is based on the Telephone Consumer Protection Act, 47 U.S.C. § 227 ("TCPA").

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 47 U.S.C. § 227(b) and 28 U.S.C. §1331, and 28 U.S.C. § 1367 grants this court supplemental jurisdiction over any state claims contained therein.
3. Because Defendant conducts business in Ohio, personal jurisdiction is established.
4. Venue is proper pursuant to 28 U.S.C. §1391(b)(2).

PARTIES

5. Plaintiff is a natural person and adult individual who resides in the City of Springfield, Clark County, Ohio.
6. Plaintiff is a “person” as defined by 47 U.S.C.A. §153(39).
7. Defendant is a Texas company and Defendant is a “person” as defined by 47 U.S.C.A. §153(39).

FACTUAL ALLEGATIONS

8. Starting on or around March, 2014, Defendant, using telephone number (888) 745-3191, began placing calls to Plaintiff’s cellular telephone number, (937) 346-5977.
9. Based upon information and belief, Defendant placed these calls to Plaintiff’s cellular telephone using an automatic telephone dialing system (“ATDS”) and/or by using an artificial or pre-recorded voice.
10. Defendant left several voice messages indicating a pre-recorded and/or artificial voice.
11. Plaintiff never provided her cellular telephone number to Defendant and never provided her consent to Defendant to be contacted on her cellular telephone.
12. The calls from Defendant to Plaintiff were not placed for “emergency purposes” as defined by 47 U.S.C. §227(b)(1)(A)(i)

COUNT I: VIOLATIONS OF THE
TELEPHONE CONSUMER PROTECTION ACT
47 U.S.C. §227 et. seq.

13. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

14. Without prior express consent, Defendant contacted Plaintiff on her cellular telephone using an ATDS and/or by using an artificial voice or prerecorded voice, in violation of 47 U.S.C. §227(b)(1)(A)(iii).
15. Defendant placed these calls knowing it lacked consent to call Plaintiff. Accordingly, each call placed to Plaintiff was made in knowing and/or willful violation of the TCPA, and is subject to treble damages pursuant to 47 U.S.C. §227(b)(3)(C).
16. As a result of each call made in violation of the TCPA, Plaintiff is entitled to an award of \$500.00 in statutory damages for each call in violation of the TCPA pursuant to 47 U.S.C. §227(b)(3)(B).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Gerica Bright, respectfully requests judgment be entered against Defendant, for the following:

17. Statutory damages of \$500.00 for each violation determined to be negligent pursuant to 47 U.S.C. §227(b)(3)(B);
18. Treble damages for each violation determined to be willful and/or knowing pursuant to 47 U.S.C. §227(b)(3)(C);
19. Any other relief that this Honorable Court deems appropriate, or just and proper.

DEMAND FOR JURY TRIAL

Plaintiff, Gericia Bright, requests a jury trial in this case.

RESPECTFULLY SUBMITTED,

KAHN & ASSOCIATES, L.L.C.

/s/ J. Daniel Scharville

J. DANIEL SCHARVILLE (0071132)

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